

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

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UNITED STATES OF AMERICA

Plaintiff,

vs.

Case No. 1:19-CR-00240 KWR

GABRIEL GRUBER,

Defendant.

**ORDER RESULTING FROM MOTIONS HEARING**

THIS MATTER is before the Court following a pretrial motions hearing. The Court held a hearing on March 25, 2021 on several pending motions. After reviewing the pleadings and hearing the argument of counsel, the Court issued rulings on the record and took some matters under advisement or reserved ruling. For the reasons stated on the record, it is hereby ordered that:

- The Government's motion in limine to prohibit discussion of sentencing or punishment at trial (**Doc. 91**) is unopposed and is **GRANTED**;
- The Government's motion in limine for pre-trial determination of Indian country land status (**Doc. 98**) is **GRANTED** as described in the oral ruling;
- The Government's motion in limine to exclude self-serving hearsay (**Doc. 102**) is unopposed and **GRANTED**;
- The Government's motion in limine to prohibit evidence and argument about the quality of the investigation (**Doc. 97**) is not ripe and is **DENIED** without prejudice as described in the oral ruling;

- The Government's *omnibus* motion (**Doc. 100**) is **GRANTED IN PART** and **DENIED IN PART** as described in the oral ruling; specifically paragraphs 1, 3-7, 9 and 10 are unopposed and **GRANTED**. The Court reserves ruling on paragraphs 2 and 8, and counsel are directed to bring those matters to the Court's attention in a sidebar;
- The Government's motion in limine to exclude Defendant's self-defense claim is **DENIED** for the reasons stated on the record (**Doc. 101**);
- The Government's motion in limine to introduce evidence pursuant to Rule 404(b) (**Doc. 96**) is **DENIED** for the reasons stated on the record; and
- The Court will conduct a *Lafler-Frye* hearing at the pretrial conference.

**IT IS SO ORDERED.**



KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE